

**CAMDEN COUNTY BOARD OF COMMISSIONERS****Regular Meeting****May 19, 2003****Senior Center Conference Room, Courthouse Complex****MINUTES**

The regular meeting of the Camden County Board of Commissioners was held Monday, May 19, 2003 at 7:00 P.M. in the Senior Center Conference Room, Courthouse Complex. The following members were present:

Chairman Jeff Jennings  
Vice Chairman Samuel K. Shaw, Sr.  
Commissioners Melvin Jeralds, J.C. Rountree and Clayton Riggs  
County Manager/Clerk to the Board Carl Classen  
Deputy Clerk to the Board Ava Murgia

Chairman Jennings called the meeting to order. Commissioner Shaw gave the invocation.

**PUBLIC COMMENTS**

Chairman Jennings asked for any comments from the public.

Robert Gower, 301 Main Street, South Mills, requested reconsideration of the wording for the 6' x 9' porch requirement.

**CONSIDERATION OF MINUTES**

Hearing no objection, Chairman Jennings so ordered approval of the April 21, 2003 minutes be laid over until the June 2, 2003 regular meeting.

**CONSIDERATION OF AGENDA**

Mr. Classen asked that the following items be added to the agenda: Add Item *VII. C. Resolution No. 2003-03-03 Courthouse – South Mills Township Boundary*, Add Item *VII. D. Planning Board Appointments*, Add Item *VIII. B. NCDOT Secondary Roads Program 2003-04*, Add Item *VIII. C. Zoning Map Correction - Gumberry Road*.

Commissioner Rountree made a motion to approve the agenda as amended. The motion passed with Commissioners Jeralds, Riggs, Rountree, Shaw and Chairman Jennings voting aye; no Commissioners voting no; and no Commissioners absent or not voting.

**Public Hearing – Camden County Core Village Maps**

Commissioner Riggs made a motion to open the public hearing on the Camden County Core Village Maps. The motion passed with Commissioners Jeralds, Riggs, Rountree, Shaw and Chairman Jennings voting aye; no Commissioners voting no; and no Commissioners absent or not voting.

Chairman Jennings called for any comments from the public.

Hillary Leary, 253 Neck Road, Shiloh, asked for property he owns between Perkins Road and Bartlett Road be included in the Core Village of Shiloh.

There being no further comments, Commissioner Rountree made a motion to close the public hearing. The motion passed with Commissioners Jeralds, Riggs, Rountree, Shaw and Chairman Jennings voting aye; no Commissioners voting no; and no Commissioners absent or not voting.

**Public Hearing – Rezoning Proposal – South 343**

Commissioner Jeralds made a motion to open public hearing on Rezoning Proposal – South 343. The motion passed with Commissioners Jeralds, Riggs, Rountree, Shaw and Chairman Jennings voting aye; no Commissioners voting no; and no Commissioners absent or not voting.

Chairman Jennings called for any comments from the public.

Wayne Walston, 839 South 343, Shiloh, spoke in favor of the rezoning proposal.

Hearing no further comments, Commissioner Rountree made a motion to close public hearing regarding Rezoning Proposal – South 343. The motion passed with Commissioners Jeralds, Riggs, Rountree, Shaw and Chairman Jennings voting aye; no Commissioners voting no; and no Commissioners absent or not voting.

**Public Hearing – Rezoning Application – UDO 2003-03-34 - Spencer**

Commissioner Shaw made a motion to open public on Rezoning Application – UDO 2003-03-34 - Spencer. The motion passed with Commissioners Jeralds, Riggs, Rountree, Shaw and Chairman Jennings voting aye; no Commissioners voting no; and no Commissioners absent or not voting.

The Planning Board met on March 19, 2003 and recommends approval of the Sketch Plan Application. The motion passed 4-0.

Chairman Jennings called for comments from the public.

Robert Gower, 301 Main Street, South Mills, spoke in favor of the rezoning application.

Hearing no further comments, Commissioner Riggs made a motion to close public hearing regarding Rezoning Application – UDO 2003-03-34. The motion passed with Commissioners Jeralds, Riggs, Rountree, Shaw and Chairman Jennings voting aye; no Commissioners voting no; and no Commissioners absent or not voting.

**Sketch Plan Application – UDO 2003-02-37 – Williams – Tar Corner Open Space Subdivision**

A Special Use Permit Application UDO 2003-02-37 was received from Don & Cindy Williams for a proposed seventeen (17) lot open space subdivision called Tar Corner located on Old Swamp Road, South Mills Township. A finding of fact was provided.

The Planning Board met on March 19, 2003 and recommends approval of the Rezoning Application with conditions and modifications. The motion passed 4-0. The County Commissioners received the Planning Board recommendation on April 7, 2003 and set the matter for public hearing in conjunction with the April 21, 2003 regular Commissioners meeting. On April 21, 2003 the County Commissioners conducted a public hearing regarding the application. On May 5, the Commissioners held the matter over pending further information.

Mr. Williams was present to answer any questions.

Chairman Jennings called for comments from the board.

Commissioner Jeralds inquired regarding the response of the opinions the impact of the subdivision on the Fire, Police and Post Office.

Dave Parks, Permits Technician, stated not all departments have responded but South Mills Post Office felt there would be an impact.

**Ordinance No. 2003-05-01 Regarding Nuisance Abatement**

At the May 5 Commissioners meeting, staff was instructed to amend *Ordinance No. 2003-05-01 Regarding Nuisance Abatement* to provide specific heights for grass and weeds.

After discussion Commissioner Riggs made a motion to approve *Ordinance No. 2003-05-01* with previous amendments and amending the number of feet in Part I, Section 1. (1) from 100' to 500'. The motion passed with Commissioners Jeralds, Riggs, Rountree, Shaw and Chairman Jennings voting aye; no Commissioners voting no; and no Commissioners absent or not voting.

*Ordinance No. 2003-05-01* as amended reads as follows:

Ordinance No. 2003-05-01

**AN ORDINANCE OF THE  
CAMDEN COUNTY BOARD OF COMMISSIONERS  
DEFINING AND PROHIBITING NUISANCES  
WITHIN CAMDEN COUNTY**

WHEREAS, pursuant to N.C Gen. Stat. §153A-121 a county may by ordinance define, prohibit, regulate or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the county; and

WHEREAS, pursuant to N.C. Gen. Stat. §153A-140 a county has the authority to summarily remove, abate, or remedy everything that is dangerous or prejudicial to the public health or public safety.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners for the County of Camden, North Carolina as follows:

PART I.

Section 1. Certain conditions declared nuisances.

The existence of any of the following conditions on any lot, whether improved or not, or other parcel of land within the corporate limits is hereby declared to be dangerous and prejudicial to the public health or safety and to constitute a public nuisance:

(1) *Growth of weeds and grass.* The uncontrolled growth of noxious weeds or grass causing or threatening to cause a hazard detrimental to the public health or safety. In no event may the grass or weeds on any portion of a lot which is not used for active farming or woodlands, located within five hundred (500) feet of a residential dwelling unit exceed the height of twelve (12) inches. This height limitation shall exclude that portion of a property that is actively engaged in farming or woodlands.

(2) *Accumulations of animal or vegetable matter.* Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes or vermin of any kind which is or may be dangerous or prejudicial to the public health.

(3) *Accumulations of rubbish, etc.* Any accumulation of rubbish, trash or junk causing or threatening to cause a fire hazard, causing or threatening to cause the accumulation of stagnant water or causing or threatening to cause the inhabitation therein of rats, mice, snakes or vermin of any kind which is or may be dangerous or prejudicial to the public health.

(4) *Conditions violating health department rules.* Any condition detrimental to the public health which violates the rules and regulations of the county health department.

(5) *Burned or partially burned buildings and structures.* Any building or other structure which has been burned, partially burned or otherwise partially destroyed and which is unsightly or hazardous to the safety of any person, is a continuing fire hazard or which is structurally unsound to the extent that the county building official can reasonably determine that there is a likelihood of personal or property injury to any person or property entering the premises.

(6) *Storm or erosion damaged structures and resulting debris.* The existence of any of the following conditions associated with storm- or erosion-damaged structures or their resultant debris shall constitute a public nuisance.

- a. Damaged structure in danger of collapsing;

b. Damaged structure or debris from damaged structures where it can reasonably be determined that there is a likelihood of personal or property injury;

c. Any structure, regardless of condition, or any debris from damaged structure which is located in whole or in part in a public trust area or public land.

(7) *Structurally deteriorated, or storm damaged automobile service station canopies.* Any automobile service station canopy with loose, unanchored, or missing cladding, or fascia panels prone to progressive collapse, or structurally unsound members damaged by storms, vehicles, or deterioration.

(8) *Miscellaneous.* Any other condition that is specified as a nuisance in the county's ordinances..

#### Section 2. Investigation of complaints.

The County Manager, upon notice from any person of the existence of any of the conditions described in section 1, shall cause to be made, by the appropriate county health department official or county official, such investigation as may be necessary to determine whether such conditions exist as to constitute a public nuisance as declared in section 1.

#### Section 3. Notice and order to abate on finding of existence.

(a) Upon a determination that conditions constituting a public nuisance exist, the County Manager, or County Manager's designee, shall notify, in writing, the owner, occupant or person in possession of the premises in question of the conditions constituting such public nuisance and shall order the prompt abatement thereof within fifteen (15) days from the receipt of such written notice. Receipt shall be deemed to occur on the third day after the date of the postmark if the notice is deposited in a United States Post Office.

(b) Abatement of a public nuisance shall consist of taking whatever appropriate steps are reasonably necessary to remove the condition or conditions which result in the declaration of a public nuisance. Without limitation the County Manager, or the County Manager's designee, in ordering the abatement of a public nuisance, may require the removal of debris, rubbish, accumulations of animal or vegetable matter, growth of weeds and grass, burned or partially burned buildings, the isolation of the condition to be abated so that access cannot be gained by persons or property which may be injured by the nuisance or such other steps which are reasonably necessary to abate the nuisance.

#### Section 4. Abatement by county--Generally.

(a) If any person, having been ordered to abate a public nuisance, fails, neglects or refuses to abate or remove the condition constituting the nuisance within fifteen (15) days from receipt of the order given pursuant to section 3, the County Manager, or County Manager's designee, shall cause such condition to be removed or otherwise remedied by having employees of the county or independent contractors go upon such premises and remove or otherwise abate such nuisance under the supervision of an officer or employee designated by the County Manager.

(b) Any person who has been ordered to abate a public nuisance may, within the time allowed by this ordinance, request the county in writing to remove such condition, the cost of which shall be paid by the person making such request.

(c) In the event a local contractor cannot be obtained after a reasonable effort, the County Manager shall be authorized to obtain the services of a contractor outside the immediate local area, and the costs thereof shall be deemed to be reasonable.

#### Section 5. Same--Costs.

The actual cost incurred by the county in removing or otherwise remedying a public nuisance shall be charged to the owner of such lot or parcel of land; and it shall be the duty of the clerk to the board of commissioners to mail a statement of such charges to the owner or other person in possession of such premises with instructions that such charges are due and payable within thirty (30) days from the mailing thereof. If such costs charged in accordance with this section are not paid as herein stated, the costs shall be a lien upon the land or premises where the nuisance arose and shall be collected as unpaid taxes.

PART II. This ordinance shall be in full force and effect from and after the 19th day of May, 2003

ADOPTED the 19th day of May, 2003.

\_\_\_\_\_  
Chair, Board of Commissioners

ATTEST:

\_\_\_\_\_  
Clerk to the Board

APPROVED AS TO FORM:

\_\_\_\_\_  
County Attorney

Date adopted: May 19, 2003

Motion to adopt by Commissioner Riggs

Vote: (5) AYES (0) NAYS

### **Resolution 2003-03-03 Courthouse – South Mills Township Boundary**

At the February 3 meeting, staff was asked to inquire with property owners along the Courthouse – South Mills township boundary line regarding a need to alter the boundary line. Mary Rhodes, Tax Administrator, led an effort in this regard and convened a meeting of Chairman Jeff Jennings, Horace Sawyer and George Tarkington. During that meeting, the property owners made a recommendation for amending the township boundary. Since that time, the County Manager has been working on learning more about amending township boundaries.

Camden County township boundaries were established in 1868 and there appears to have been no amendments since that time. The law (NCGS153A-19) governing township boundaries are straightforward.

Presently, Camden County township boundaries are the same as the precinct boundaries. In discussing this matter with Helen McPherson, Elections Supervisor, she advised that all precinct boundaries are frozen until 2004. Upon further review, precinct boundaries may be changed when a change involved no voters.

In a statewide listserv question on this issue, only one substantive response was received and that was a suggestion to immediately notify the Census Bureau following any boundary amendment as their work typically follows township boundaries. This is required by NCGS 153A-19(c).

At the February 17, 2003 Commissioners meeting, this matter was laid over until the March 3 meeting so that Commissioners could obtain further input from residents of South Mills Township. At the March 3 meeting, the Commissioners directed staff to advertise a public hearing to be held in conjunction with the March 17 regular Commissioners meeting on the proposed boundary line change. On March 17, the County Commissioners conducted a public hearing on Resolution 2003-03-03 Relating to Amending the Borderline Between Courthouse and South Mills Townships.

On April 7, the County Commissioners laid this over to their April 21 meeting.

A copy of Resolution No. 2003-03-03 was provided to the Board.

Commissioner Jeralds made a motion to approve Resolution No. 2003-03-03.

The motion failed three (3) to two (2) with Commissioners Jeralds and Riggs voting aye; Commissioners, Rountree, Shaw and Chairman Jennings voting no; no Commissioners absent or not voting.

### **Planning Board Appointments**

A list was provided of the existing Planning Board members. Three (3) members have terms set to expire on June 30, 2003. Mr. Woodrow has already stated that he does not wish to be re-appointed to the Planning Board.

Direct the County Manager to inquire whether Mr. Burnham and Ms. Banks wish to be re-appointed to the Planning Board and report back to the Commissioners at their June 2 meeting.

Hearing no objections, Chairman Jennings so ordered the County Manager to inquire whether Mr. Burnham and Ms. Banks wish to be re-appointed and accept volunteer forms from citizens interested in serving on the Planning Board for review at the June 2 meeting.

#### **Sewer Agreement with South Mills Landing LLC**

The Board was provided a staff/special counsel response to the developer's proposal which has not been approved by the developers.

No action taken.

#### **NCDOT Secondary Road Program for 2003-04**

Commissioner Rountree made a motion to approve the NCDOT Secondary Road Program for 2003-04 with concerns regarding how Service Road (SR1252), South Mills Township, was placed on the paving list as it only has a single home along the roadway. The motion passed with Commissioners Jeralds, Riggs, Rountree, Shaw and Chairman Jennings voting aye; no Commissioners voting no; and no Commissioners absent or not voting.

#### **Zoning Map Correction – Gumberry Road**

When the countywide re-zoning occurred on August 5, 2003, staff understood that it was the intent of the County Commissioners that all of the south side of Gumberry Road, Camden Village, Courthouse Township, would be zoned Community Core. When the maps were printed, however, several sections fronting Gumberry Road, which are tied too much larger parcels, were not included in the Community Core zoning.

Staff would like authority to correct the zoning map to the Commissioners' intent last summer.

Commissioner Riggs made a motion to approve zoning map correction – Gumberry Road. The motion passed with Commissioners Jeralds, Riggs, Rountree, Shaw and Chairman Jennings voting aye; no Commissioners voting no; and no Commissioners absent or not voting.

#### **Amendment to the Agenda**

Commissioner Shaw made a motion to amend the agenda as follows: Add *Item VIII. D. Rezoning Application – UDO 2003-03-04 - Spencer*, add *Item VIII. E. Rezoning Proposal – South 343*. The motion passed with Commissioners Jeralds, Riggs, Rountree, Shaw and Chairman Jennings voting aye; no Commissioners voting no; and no Commissioners absent or not voting.

#### **Public Hearing – Rezoning Application – UDO 2003-03-34 - Spencer**

Commissioner Rountree made a motion to approve the Rezoning Application – UDO 2003-03-34 – Spencer. The motion passed with Commissioners Jeralds, Riggs, Rountree, Shaw and Chairman Jennings voting aye; no Commissioners voting no; and no Commissioners absent or not voting.

#### **Rezoning Proposal – South 343**

Commissioner Jeralds made a motion to approve the Rezoning Proposal – South 343. The motion passed with Commissioners Jeralds, Riggs, Rountree, Shaw and Chairman Jennings voting aye; no Commissioners voting no; and no Commissioners absent or not voting.

**Refund Request – Special Use Permit Applications – UDO 2003-03-45 and UDO 2003-03-46**

Due to the adoption of the amendment to the Unified Development Ordinance on May 5, 2003, Special Use Permit Applications for Stephen K. Bray are no longer required.

On May 9, 2003, the Planning Office received a letter signed by Julian Bray requesting a refund for Special Use Permit Applications – UDO 2003-03-45 and UDO 2003-03-46 – minus county costs for processing application made by applicant Stephen K. Bray.

Commissioner Rountree made a motion to approve Stephen K. Bray's refund request in the amount of \$714.00 as calculated by the Planning Office. The motion passed with Commissioners Jeralds, Riggs, Rountree, Shaw and Chairman Jennings voting aye; no Commissioners voting no; and no Commissioners absent or not voting.

**QZAB Allocation**

The State Board of Education has approved the \$2 million in allocation of Qualified Zone Academy Bonds (QZAB) for the Camden County High School Vital Upgrade Project.

The Chairman and County Manager have signed an application for \$2 million of the QZAB allocation remaining after the most recent allocation meetings. These funds, if approved, would be used towards the Grandy Primary School renovation.

Commissioner Jeralds made a motion to authorize and direct the Chairman and County Manager to take all actions and execute such documents as are necessary to secure funds under the \$2 million QZAB allocation for the Camden County High School Vital Upgrade Project. The motion passed with Commissioners Jeralds, Riggs, Rountree, Shaw and Chairman Jennings voting aye; no Commissioners voting no; and no Commissioners absent or not voting.

Commissioner Riggs made a motion to ratify, authorize and direct the Chairman and County Manager to take all actions and execute such documents as are necessary to apply for the \$2 million QZAB allocation for the Grandy Primary School Renovation Project. The motion passed with Commissioners Jeralds, Riggs, Rountree, Shaw and Chairman Jennings voting aye; no Commissioners voting no; and no Commissioners absent or not voting.

**Camden County 4-H and Youth Camp**

Mr. Classen briefed the Commissioners on changes in the summer youth program with Juvenile Crime Prevention Council (JCPC) grant funds being utilized for targeted youth and Extension running a 4-H camp for all youth 12 and under.

**Natural Gas Inspection Refunds**

Staff has received requests from John Endresen, Joe Passante, John Purcell and Norman Taylor for refund of the Natural Gas Inspection.

Commissioner Riggs made a motion to approve the refund requests in the amount of \$65.00 to John Endresen, Joe Passante, John Purcell and Norman Taylor for natural gas inspections. The motion passed with Commissioners Jeralds, Riggs, Rountree, Shaw and Chairman Jennings voting aye; no Commissioners voting no; and no Commissioners absent or not voting.

**eCamden Revision**

On Friday, May 9, 2003, the eCamden Advisory Committee met and revised the eCamden Service Plan. The revision has been sent to the Rural Internet Access Authority (RIAA) for amendment to the existing grant.

Commissioner Riggs made a motion to lay the matter over until the regular June 2 Board of Commissioners meeting in order for staff to gather further information. The motion passed with Commissioners Jeralds, Riggs, Rountree, Shaw and Chairman Jennings voting aye; no Commissioners voting no; and no Commissioners absent or not voting.

#### **Courthouse Holding Cell**

Sheriff Perry notified Ann Spivey, Clerk of Court, that the service of the courthouse holding cell for containment of in-custody prisoner for courts was no longer needed.

Ann Spivey is requesting, pursuant to the Sheriff's letter, that the toilet and bench be removed so this holding cell can be used as needed.

Commissioner Rountree made a motion to approve improvements to the former holding cell as requested by Ann Spivey, Clerk of Court. The motion passed with Commissioners Jeralds, Riggs, Rountree, Shaw and Chairman Jennings voting aye; no Commissioners voting no; and no Commissioners absent or not voting.

#### **Project Update**

The County Manager gave an oral update on various projects planned or underway.

#### **Reports From Commissioners Serving on Other Boards**

Commissioner Rountree spoke regarding the College of the Albemarle meeting.

#### **Closed Session**

Commissioner Rountree made a motion to go into closed session pursuant to G.S. 143-318.11(a)(6) for the purpose of discussing personnel, pursuant to G.S. 143-318.11(a)(4) for the purpose of property acquisition and pursuant to G.S. 143-318.11(a)(4) for the purpose of discussing industrial recruitment. The motion passed with Commissioners Jeralds, Riggs, Rountree, Shaw and Chairman Jennings voting aye; no commissioners voting no; and no commissioner absent or not voting. The Commissioners entered closed session at 8:25 PM.

Commissioner Riggs made a motion to come out of closed session and back into regular session. The motion passed with Commissioners Jeralds, Riggs, Rountree, Shaw and Chairman Jennings voting aye; no commissioners voting no; and no commissioner absent or not voting. The Commissioners re-entered regular session at 9:00 PM.

There being no further items to come before the Commissioners at this time, Commissioner Rountree made a motion to recess the meeting until Tuesday, May 27 at 8:00 PM. The motion passed with Commissioners Jeralds, Riggs, Rountree, Shaw and Chairman Jennings voting aye; no commissioners voting no; and no commissioner absent or not voting.

The meeting recessed at 9:05 PM.

**On May 27, 2003**, Chairman Jennings called to order the recessed meeting of the May 19, 2003 Board of Commissioners meeting. The following members were present: Commissioners Jeralds, Riggs, Rountree and Shaw. Also present was Carl Classen, County Manager.

Commissioner Rountree made a motion to go into closed session pursuant to G.S. 143-318.11(a)(6) for the purpose of discussing personnel. The motion passed with Commissioners Jeralds, Riggs, Rountree, Shaw and Chairman Jennings voting aye; no Commissioners voting no; and no Commissioner absent or not voting. The Commissioners entered closed session at 8:05 PM.

Commissioner Rountree made a motion to come out of closed session and back into regular session. The motion passed with Commissioners Jeralds, Riggs, Rountree, Shaw



and Chairman Jennings voting aye; no Commissioners voting no; and no Commissioner absent or not voting.

Commissioner Jeralds made a motion re-entered regular session at 9:45 PM. The motion passed with Commissioners Jeralds, Riggs, Rountree, Shaw and Chairman Jennings voting aye; no Commissioners voting no; and no Commissioner absent or not voting.

#### Budget Workshop

Mr. Classen handed out revisions to the draft budget and he reviewed matters regarding other items. The Commissioners discussed various elements of the budget and asked Mr. Classen to make changes to the draft budget accordingly. Mr. Classen stated that further technical changes would be made to the draft budget prior to the June 2 regular Commissioners meeting when he would submit the budget to the County Commissioners for their formal consideration.

There being no further items to come before the Board, Commissioner Shaw moved to adjourn the meeting. The motion passed with Commissioners Jeralds, Riggs, Rountree, Shaw and Chairman Jennings voting aye; no Commissioners voting no; and no Commissioner absent or not voting.

The meeting adjourned at 10:15 PM.

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Jeff Jennings, Chairman  
Camden County Board of Commissioners

ATTEST:

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Carl Classen  
Clerk to the Board of Commissioners